

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1082 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 No

SATYANARAYAN INDUSTRIAL CO OP SOCIETY LTD.

Versus

COMPETENT AUTHORITY & DY. COLLECTOR

Appearance:

MR YN RAVANI for Petitioner

MR. T.H. Sompura, AGP for Respondent No. 3

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 26/02/97

ORAL JUDGEMENT

1. Upon hearing learned counsel Mr. Yogesh Ravani for the petitioner and learned Government counsel Mr. T.H. Sompura, it appears that the present petition requires a recognition and the rule requires to be made absolute and the matter requires to be remitted to the competent authority under the ULC Act, 1976.

2. The case of the petitioner is that they are a registered Cooperative Industrial Society established before the coming into operation of the ULC Act, 1976 having 68 members. The competent authority has passed the orders previously holding that the petitioner society was entitled to retain only 1500 sq. meters of land. The competent authority is therefore of the opinion that the land admeasuring 13473 sq.meters of land was excess vacant land. There have been further proceedings in this respect also. More over, the case of the petitioner is that their application under Section 20 of the ULC Act, 1976 is still pending and is still not decided.

3. It appears that all these questions can be examined by the competent authority. The present petition therefore requires a partial recognition and I order accordingly. The impugned orders are hereby quashed and set aside and the matter stands transmitted to the competent authority for decision according to law and on merits after affording reasonable opportunity of being heard to the petitioner society as well as the affected parties during the pendency of the application under Section 20 of the ULC Act, 1976. Rule is made absolute to the above said extent with no order as to costs. Direct service is permitted.

4. It shall have to be pointed out that I express no opinion of mine on the contentions and the counter contentions. All these questions shall have to be decided by the competent authority on merits and according to law.
